

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MYRIAM ZAYAS,

Plaintiff,

v.

SUMMIT CLASSICAL
CHRISTIAN SCHOOL,

Defendant.

CASE NO. C23-1368JLR

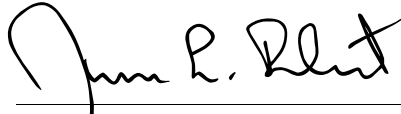
ORDER

On October 31, 2023, the court dismissed *pro se* Plaintiff Myriam Zayas’s complaint pursuant to 28 U.S.C. § 1915(e) for failure to state a cognizable claim for relief. (10/31/23 Order (Dkt. # 6).) In particular, the court concluded that Ms. Zayas failed to state a claim under 42 U.S.C. § 1983 because the sole Defendant, Summit Classical Christian School (“Summit”), is a private entity and the complaint failed to plausibly allege that Summit’s conduct was “fairly attributable to the State.” (*Id.* at 3-5 (citing *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937 (1982) (explaining that private

1 parties may only be held liable under § 1983 if a plaintiff shows that their “conduct
2 allegedly causing the deprivation of a federal right [was] fairly attributable to the
3 State”)).) The court granted Ms. Zayas leave to “file an amended complaint that
4 remedie[d] the deficiencies” identified in the court’s order and ordered her to file her
5 amended complaint, if any, by no later than November 17, 2023. (10/31/23 Order at 6.)
6 The court warned Ms. Zayas that failure to timely comply with the court’s order would
7 result in the dismissal of her complaint without leave to amend and the closure of this
8 case. (*Id.* at 5-6.)

9 The November 17, 2023 deadline has now passed, and Ms. Zayas has failed to file
10 an amended complaint. (*See generally* Dkt.) On November 20, 2023, however, the court
11 received a pleading titled “Reply to Order,” which Ms. Zayas appears to have signed on
12 November 4, 2023 and sent by U.S. Mail. (Reply (Dkt. # 7).) Although that pleading
13 raises new factual allegations related to Ms. Zayas’s § 1983 claim, it fails to address,
14 much less cure, the deficiency identified in the court’s October 31, 2023 order: the lack
15 of factual allegations demonstrating that Summit’s conduct is fairly attributable to the
16 State. (*See generally* Reply.) Accordingly, the court DISMISSES Ms. Zayas’s complaint
17 with prejudice and without leave to amend.

18 Dated this 29th day of November, 2023.

19 
20 JAMES L. ROBART
21 United States District Judge
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